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PROVISIONAL SUMMARY RECORD OF THE 47th MEETING

Held at Headquarters, New York,
on Thursday, 21 October 1993, at 4 p.m.

President: Mr. HUSLID (Norway)
(Vice-President)

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The meeting was called to order at 4.20 p.m.

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS (E/1993/117)

The PRESIDENT, drew attention to document E/1993/117, containing a list of items for consideration at the Council's resumed substantive session, and said that after consultations with the Bureau, he was suggesting that at the current meeting, the Council should consider the item entitled "Human rights questions", under which it would take up the question of assistance to Guatemala in the field of human rights, and the item entitled "Committee for Development Planning" which, by its decision 1993/334, the Council had decided to consider at its resumed substantive session. Documentation for the other two items on the agenda was not available and their consideration would accordingly be postponed.

The agenda was adopted.

HUMAN RIGHTS QUESTIONS (continued)

Assistance to Guatemala in the field of human rights (continued) (E/1993/122)

The PRESIDENT said that by its decision 1993/335 of 30 July 1993, the Council had decided to postpone consideration of the draft decision entitled "Assistance to Guatemala in the field of human rights", which was contained in the report of the Commission on Human Rights (E/1993/23 and Corr.2-4, sect. I.B., draft decision 34) and reproduced in document E/1993/122.

If he heard no objection, he would take it that the Council wished to adopt that decision.

The decision was adopted.

Mr. MARTINI HERRERA (Observer for Guatemala) said that his Government wished to thank the group of friendly countries which had done its best to ensure positive and impartial assistance to Guatemala, not only with respect to its legal system but also to its overall modernization, thereby helping it to solve serious problems of development, education and health within a framework intended to ensure the distribution of wealth and the eradication of poverty. It also appreciated the efforts made by the Secretary-General and welcomed his attempt to help Guatemala find an adviser to assist it in continuing its constructive work in the field of human rights.

(Mr. Martini Herrera, Observer, Guatemala)

Full cooperation with the Commission on Human Rights had always been his Government's policy, despite its awareness, shared by many other countries, that a certain double standard might have been applied in a large number of human rights cases. Guatemala had benefited from the United Nations assistance and advice since 1983, when his country had invited the Organization to review the human rights situation on site. Owing to that assistance, Guatemala had been able to ensure democracy and was currently striving to perfect its democratic institutions and to implement the recommendations that had been made regarding human rights. In addition, awareness of human rights issues had been raised, inspiring activism throughout the country.

Guatemala was close to meeting the goal it had set a few years earlier. It was a party to nearly all the international human rights instruments and had accepted the voluntary jurisdiction of the Inter-American Court of Justice.

The Government and the people of Guatemala were committed to accepting the assistance offered by the United Nations in the field of human rights. Even armed groups and insurgents in his country were taking note of that commitment. His Government would not fail to honour its agreements and would continue to make improvements in the field of human rights.

The PRESIDENT said he hoped that the adoption of the decision by the Economic and Social Council would be beneficial to the Guatemalan people.

COMMITTEE FOR DEVELOPMENT PLANNING

Mr. DESAI (Under-Secretary-General for Policy Coordination and Sustainable Development) said that in its resolution 1993/81 of 30 July 1993, the Economic and Social Council had expressed its concern at the fact that the expert members of the Committee for Development Planning had not been appointed in time for the session of the Committee scheduled for 1993. In that connection, he drew attention to paragraph 31 of resolution 47/191 in which the General Assembly had taken note of the views of the Secretary-General regarding the functions of the High-level Advisory Board on Sustainable Development and of the Committee for Development Planning and had requested him to submit appropriate proposals to the Economic and Social Council at its organizational session for 1993, including the possibility of establishing rosters of experts. In response, the Secretary-General had presented in his report on the High-level Advisory Board (E/1993/15/Rev.1) specific proposals which were still under consideration by the Council.

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It had, therefore, not been possible for the Secretary-General to appoint members to the Committee for Development Planning, after the Committee's mandate had expired on 31 December 1992. To have done so would have contravened the provisions of General Assembly resolution 47/191 and anticipated the decisions which the Council had yet to take on the Secretary-General's report. The Secretary-General urged the Council to take those decisions and provide the Secretariat with a clear mandate for action.

It was appropriate in that context to recall the specific proposals contained in the Secretary-General's report (E/1993/15/Rev.1). The Secretary-General had proposed that a roster of experts should be established so that the High-level Advisory Board, the Commission on Sustainable Development and the Economic and Social Council could avail themselves of such technical expert advice as might be necessary on the wide array of issues falling within their competence. The range of issues on which technical advice might be needed was becoming increasingly broad. The roster of experts was accordingly envisaged as being flexible and subject to biennial review. Such experts (some of whom might be former members of the Committee for Development Planning) could be called upon to provide competent advice on the general economic and development issues currently addressed within that Committee. Furthermore, the specific functions related to criteria for identifying least developed countries might be assigned, as needed and upon the Council's request, to ad hoc meetings of experts on the roster, taking into account the experience gained and procedures used in that regard within the context of the Committee for Development Planning.

The roster of experts would operate in a flexible manner: small ad hoc meetings of experts would be called to address specific issues. In addition to preparing reports for the High-level Advisory Board, the experts could be requested by the Commission on Sustainable Development or the Economic and Social Council to prepare studies and analytical reports on particular matters or to set up small ad hoc advisory groups or panels for specific purposes.

The proposals set forth in the Secretary-General's report thus preserved the essential aims of the Committee for Development Planning and, at the same time, broadened the base of expertise to cover the full range of economic, social and environmental issues that would be considered by the Economic and Social Council, the Commission on Sustainable Development and the High-level Advisory Board. A degree of flexibility was incorporated in the set of

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proposals: experts needed for a particular issue would be brought together in small, ad hoc groups and multi-disciplinary groups of experts could be established as needed.

The Secretariat was requesting the Economic and Social Council to take a definitive stand on the proposals contained in the Secretary-General's report (E/1993/15/Rev.1).

Mr. PORTOCARERO (Belgium), speaking on behalf of the European Community and its member States, said that the position of the Twelve was well known: they wished to avoid giving the impression that development and sustainable development were two separate issues and, accordingly, believed that it was not appropriate to have two advisory bodies with different functions in the same area. Furthermore, having two bodies would be financially wasteful, which the Organization could hardly permit at a time of budgetary restraint.

The Committee for Development Planning had performed specific functions which should certainly be preserved, in particular those relating to the criteria for the least developed countries.

Given the universal importance of sustainable development, it would seem desirable to combine the functions of the Committee for Development Planning with those of the High-level Advisory Board on Sustainable Development, as the Secretary-General had proposed in paragraph 60 of his report A/47/598 and Add.1 on institutional arrangements to follow up the United Nations Conference on Environment and Development. The Twelve were flexible in regard to the manner in which that merger of functions might take place, as long as those functions to which they attached importance were maintained.

The proposal by the Under-Secretary-General for Policy Coordination and Sustainable Development appeared to be an excellent starting-point. Nevertheless, there was a need to specify the precise details of the administrative relationships and respective responsibilities involved in a such a merger, bearing in mind the administrative and legal aspects of the matter.

Nothing in the position of the Twelve was meant to diminish in any way the importance they attached to development in general. They were well aware that the Committee for Development Planning had a history of distinguished service since its inception in 1965. Yet, that Committee's mandate had been modified on several occasions when the need had arisen and the Twelve believed that such flexibility was still relevant to any current consideration of the matter. In that spirit, it was unfortunate that certain administrative issues might give

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rise to conflict. In the long run, it should be possible to find a solution acceptable to all.

Mr. JARAMILLO (Colombia), speaking on behalf of the Group of 77 and China, said that the question of the Committee for Development Planning had remained unresolved. Resolution 1993/81, adopted by the Economic and Social Council on 30 July 1993, had reaffirmed the existing mandate of the Committee, without prejudice to future decisions by the Council on the restructuring of the United Nations in the economic, social and related fields. It seemed, therefore, rather odd that the Under-Secretary-General for Policy Coordination and Sustainable Development should be referring at the current stage to the state of affairs that had existed at the time when he had submitted the proposal to eliminate the Committee for Development Planning. That Committee had carried out important studies and had provided information vital to decision-making and the elaboration of recommendations; it had done all of the basic work relating to the least developed countries. No consensus had been reached with respect to eliminating an intergovernmental body in that area.

The Secretary-General's proposal was not acceptable to the Group of 77 and China because it would transform a group of intergovernmental experts into a high-level committee, reporting to the Secretary-General. The Committee for Development Planning and the High-level Advisory Body were two separate bodies and had two distinct mandates. The Committee was a United Nations intergovernmental body and thus acted in accordance with the will of the sovereign States Members of the Organization; the Advisory Body was a high-level committee which reported directly to the Secretary-General. The establishment of a roster of experts, to be brought together on an ad hoc basis, was not the same as an intergovernmental body.

It must be borne in mind that it was through intergovernmental bodies that decisions on the policies and guidelines of the Organization were made. For that reason, he believed firmly that the Committee for Development Planning must continue to function. Furthermore, the Secretary-General was under an obligation to ensure that the Committee met in accordance with Economic and Social Council resolution 1993/81.

Mr. PORTOCARERO (Belgium), speaking on behalf of the European Community and its member States, said he was aware of the importance of the objections raised by the representative of Colombia. In fact, both he and the

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representative of Colombia seemed to be referring to the same kind of problems, namely those of access to the experts and their accountability. If precise rules could be laid down regulating those areas then the Secretary-General's proposal could be acceptable to all. There needed to be a clear framework covering the composition of the roster of experts according to region and expertise. Furthermore, the roster should be subject to periodic renewal to ensure a constant source of new ideas and, most importantly, Member States should be guaranteed access to the experts so that if an intergovernmental body requested a report that request would be carried out. The situation was unprecedented, so such rules would need to be invented.

Mr. MONGBE (Benin) said that he fully supported the representative of Colombia, but having heard the representative of Belgium he considered that negotiations could continue. Clarification was needed from the Secretariat however, since the Committee for Development Planning had played such an important role, in particular for the least developed countries, that it would be in no one's interest to decide its fate on purely administrative grounds. Therefore, his delegation proposed that no decision should be taken immediately but that all the interested parties should hold consultations in order to find a compromise solution.

Mr. JARAMILLO (Colombia), speaking on behalf of the Group of 77 and China, said that he had nothing against the proposals made by the representative of Benin and the representative of Belgium, but it should be remembered that the Council had not yet taken a final decision on the subject; it was studying it and would return to it at a later date. However, the Council had taken a decision in resolution 1993/81, adopted in July 1993, which reaffirmed the existing mandate of the Committee for Development Planning and requested the Secretary-General to convene the Committee before the end of December 1993. Any discussion concerning the Committee for Development Planning could only take place on the understanding that resolution 1993/81 obliged the Secretary-General to renew its mandate.

Mr. MONGBE (Benin) said that his delegation's proposal did not contradict the resolution; his delegation simply considered that it would be beneficial to all to continue the discussion.

Mr. DESAI (Under-Secretary-General for Policy Coordination and Sustainable Development) said he wished to reassure the Council that the Secretariat respected intergovernmental mandates. Concerning the access of

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Member States to the roster of experts, it was envisaged that bodies such as the Council and the Commission on Sustainable Development would be able to request reports directly from the experts. As for periodic renewal, he had already planned that the roster would be established on a two-year basis. The roster would provide an alternative to a large and costly committee bringing all the experts together to work on each report; the roster would make it possible to select multi-disciplinary groups of experts for specific reports which might be requested as part of the intergovernmental process, or by the Secretariat or the High-level Advisory Board.

The primary purpose of the roster was to provide an input to the intergovernmental process, since the Secretariat could always hire consultants if it so desired. Use of the roster would mean that those who requested reports would know which experts had prepared them. The Committee for Development Planning had made a valuable contribution to the intergovernmental process and the proposed establishment of the roster reflected the need for such contribution to be continued on a broader and more intensive basis. The experts would be selected so that there was balanced representation in terms of region, expertise and, equally importantly, gender. The way in which the roster would function would be determined according to the Member States' concerns and recommendations. The Secretariat's purpose was to serve Member States.

Mr. JARAMILLO (Colombia), speaking on behalf of the Group of 77 and China, said he wished to remind the Council of the secret report commissioned by the Secretary-General from experts which had been used as the basis for restructuring the Secretariat. Secret reports by experts should not be used as the basis for fundamental decisions, because transparency and clarity were absolutely essential in the Organization, which must rely on intergovernmental bodies, not groups of experts reporting to the Secretary-General. He agreed that the discussion should continue but hoped there would be no further recourse to that kind of secret report.

Mr. AMAZIANE (Morocco), noting that the Under-Secretary-General had said that the Secretariat would respect intergovernmental mandates, inquired whether that meant that the Secretariat would convene a meeting of the Committee for Development Planning before the end of December 1993, as requested in Council resolution 1993/81.

Mr. DESAI (Under-Secretary-General for Policy Coordination and Sustainable Development) said that the Secretariat was looking into the

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practical aspects of complying with the request. The resolution had only been adapted in July and the Organization was currently in the middle of the General Assembly session. It was to be hoped that the situation would have changed by the end of December and that it would be possible to resolve the problem.

The PRESIDENT said that it would be fruitful to concentrate on the proposal made by the delegation of Benin since it seemed to have support from both sides. No formal decision should be taken at the current stage for, it would be better to await finalized proposals.

Mr. JARAMILLO (Colombia), speaking on behalf of the Group of 77 and China, said that the Under-Secretary-General did not seem to have given a precise answer to the question put by the representative of Morocco. There should be no ambiguity, however, since the Council had taken a clear decision to renew the mandate of the Committee for Development Planning. While he understood that things became more complicated during the General Assembly, it should be pointed out that the High-level Advisory Board had nevertheless met to consider the availability of experts, money and political will.

Mr. PORTOCARERO (Belgium), speaking on behalf of the European Community and its member States, endorsed the proposal made by the representative of Benin, since it would be possible to continue consultations without going against resolution 1993/81. There was still time left before the end of December 1993 in which to implement that resolution, whilst taking new elements into account.

The PRESIDENT said that the mandate existed and would be respected but that did not preclude the continuation of negotiations. In any case, it was clear that the matter would have to be resolved at another resumed substantive session of the Council. The Secretariat should take full note of what had been said during the discussion. For instance, the representative of Belgium had requested the precise, detailed rules should be drawn up and that matter needed looking into. He suggested that the Bureau should organize formal consultations and contacts between the interested parties.

Mr. JARAMILLO (Colombia), speaking on behalf of the Group of 77 and China expressed willingness to continue discussions on the understanding that since Council resolution 1993/81 had already been adopted, it was valid.

Mr. BIAOU (Benin) asked whether the Under-Secretary-General could arrange to have his statement distributed.

Mr. DESAI (Under-Secretary-General for Policy Coordination and Sustainable Development) said that copies would be made available as soon as possible.

The meeting rose at 5.15 p.m.